

REMARKS/ARGUMENTS

Claims 1-15 are pending, but claims 1-8 and 13-15 have been withdrawn from consideration.

Claims 10-12 were rejected under 35 U.S.C. § 112, second paragraph. Reconsideration of the rejection is respectfully requested.

Claims 10-12 have been amended to overcome the rejection, and claim 12 has been further amended to clarify it.

Claim 9 was rejected under 35 U.S.C. § 102(b) as being anticipated by Frenzl (U.S. Patent No. 3,823,872). Reconsideration of the rejection is respectfully requested.

Claims 10-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frenzl and in further view of Stark et al. (WO01/16493 A1). Reconsideration of the rejection is respectfully requested.

Independent claim 9 has been amended to provide, in part, for, “a second porous diverging section of hollow frustoconical shape, extending from the smaller diameter end of the first tapering section, to achieve suction; and a third diverging section of hollow frustoconical shape, extending from the larger diameter end of the porous section”. Antecedent basis for the previously quoted amendment to independent claim 9 is found in the specification, for example, on page 10, lines 1-3, and in the drawings, for example, in Fig. 4. The amendments to claim 9 have been made to place claim 9 in good form under United States practice, but have not been made to overcome the rejection of claim 9 by the Examiner.

In rejecting claim 9, the Examiner contends that, “Frenzl discloses that the device comprises: a first tapering section (17) of essentially hollow frustoconical shape; a second porous diverging section (21) of essentially hollow frustoconical shape to achieve suction; a third diverging section (19) of essentially hollow frustoconical shape, extending from the end of the porous section (21) (see column 5, lines 10-23 and Fig. 1)” (Office Action, page 3, third paragraph, lines 2-7). Applicant respectfully disagrees with the Examiner’s contention supporting the rejection of independent claim 9.

In particular, Fig. 1 of Frenzl does not show that element 17 is a first tapering section of hollow frustoconical shape, as required by claim 9. On the contrary, a portion of 17

towards the left of Fig. 1 appears to have essentially a cylindrical outer profile, Fig. 1 being an axial section through an improved hot water nozzle of the invention in Frenzl, (column 4, lines 65-66). The right portion of 17 appears to diverge as shown in Fig. 1. Therefore, it is respectfully submitted that element 17 is not a tapering section of hollow frustroconical shape. Rather, it appears to be an essentially cylindrical shape in its left part and diverging in its right part.

Furthermore, the fact that converging cone 2a is part of the hollow space in the interior of element 17, (column 5, lines 16-17; Fig. 1) does not make element 17 a first tapering section of hollow frustroconical shape, as required by claim 9. Claim 9 requires that the shape of the first section be frustroconical, and that the section be tapering. The tapering frustroconical shape of converging cone 2a is the shape of part of the hollow space within element 17, not the shape of element 17, the shape of element 17 being analogous to the required frustroconical shape of the first tapering section of claim 9, according to the Examiner's analysis.

Since each of claims 10-12 is directly dependent upon independent claim 9, each of claims 10-12 is allowable for the same reasons recited above with respect to the allowability of independent claim 9.

Furthermore, with regard to the combination of Frenzl and Stark et al. to reject claims 10-12, it is respectfully submitted that a combination of Frenzl with Stark et al. is not obvious since the devices in Frenzl and Stark et al. contravene each other's purposes.

In particular, Frenzl relates to a hot liquid ejection nozzle, (column 1, lines 20-24). Porous section 21 is fed with steam, (column 5, lines 29-37), which penetrates the pores of section 21 and forms a film of steam along the walls of the nozzle to minimize the tendency of water striking the nozzle walls to form a liquid boundary layer in the diverging portions of the nozzle, (column 5, lines 39-57). The nozzle of Frenzl is not intended to suck matter in through the porous section. Rather, the porous section 21 in Frenzl absorbs steam fed to the nozzle and the nozzle of Frenzl is an ejector nozzle forming at the outlet of the nozzle a driving jet 7B which serves as an inductor jet for drawing of fluid at 45 into a pump 46 and delivering it at 47, (column 6, lines 63-68; Fig. 4). In contrast, the double cone device disclosed in Stark et al. sucks material 6 into an inlet 7 and thus into exit cone 4, (page 3, lines 26-27; Fig. 2). Thus, Frenzl and Stark et al. serve opposing purposes, Frenzl disclosing the feeding of steam through a porous

section of a hot liquid ejection nozzle, while Stark et al. discloses sucking material into an inlet and thus into an exit cone of a double cone device.

In view of the foregoing amendments and remarks, allowance of claims 9-12 is respectfully requested.

Respectfully submitted,

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A handwritten signature in dark ink, appearing to read "Michael I. Markowitz", is written over a horizontal line. To the right of the signature is a small handwritten number "7".

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